

FINAL REPORT: IIU concludes investigation into allegation of careless storage of a firearm by RCMP member

On November 7, 2019, the Royal Canadian Mounted Police (RCMP) notified the Independent Investigation Unit of Manitoba (IIU) of an incident occurring on November 1, 2019. The incident concerned an allegation that a member of the RCMP had improperly stored police officer equipment, including an issued sidearm, while attending a personal appointment at a physiotherapist's office in Winnipeg.

According to the notification received, it was alleged (in part):

On November 4th, 2019, a public complaint was received ... alleging that [the subject officer (SO)]...unsafely stored his firearm while on duty at a Physiotherapist Clinic.

On November 1st, 2019, [a civilian witness] attended to physiotherapist appointment and observed an RCMP vehicle idling in the parking lot without a driver. Once he was inside the clinic he observed a duty belt and officer's sidearm stored behind the receptionist's desk. [Civilian Witness] obtained two photographs that depict an RCMP issued vest and duty belt placed on the floor behind the receptionist, who is also observed in the photograph.

After Criminal Operations review of the photographs it appears that the OC Spray and Baton are not present in the duty belt, however, two C8 carbine magazines are present in pouches in the vest and two 9mm pistol magazines are present in pouches in the belt. It is unclear whether the member's 9mm sidearm is in the holster due to the angle the photograph was taken.

As an allegation of improper storage of a firearm (a criminal code offence) is a discretionary matter pursuant to the provisions of The Police Services Act (PSA), the civilian director determined that it was in the public interest for an independent investigation to be undertaken by IIU. Accordingly, pursuant to s. 75 of the PSA, IIU assumed conduct of this matter and commenced an investigation. IIU investigators were assigned to this investigation.

Information obtained by IIU investigators included:

- civilian witness statements
- four photographs of receptionist area of physiotherapist's office
- RCMP cruiser in-car video
- call history report
- copy of the complaint to Civilian Review and Complaints Commission

As referenced, the civilian director designated the RCMP member who allegedly improperly stored his equipment and firearm as the subject officer. IIU investigators also interviewed two civilian witnesses (CW1-2).

Civilian Witnesses:

On November 1, 2019, CW1 attended the physiotherapist's office (the office) for an appointment. Upon arrival, CW1 noticed a marked RCMP vehicle stopped outside the office, with the engine running. CW1 states the RCMP vehicle was unoccupied but was unable to say whether it was locked or unlocked. When CW1 entered the office, he noticed an armoured vest with 'POLICE' displayed on it, laying on the floor, behind the reception counter. CW1 also noticed a pistol on an equipment belt and 'clips', which he said were used to store ammunition. He sat and waited for his appointment for 20 minutes and he observed the equipment went untouched during this entire time. CW1 states that the equipment was still behind the receptionist desk after he left his appointment. CW1 states that he never saw a police officer at the office. CW1 states that he took four photographs of the police equipment with his cellphone. CW1 states he saw a black pistol including the slide part and the ejection port, an ammunition clip near the handle and a black holster.

CW2 is the receptionist at the office. CW2 knows SO as a client of the office. CW2 states that SO attends the office quite often and regularly leaves his police equipment behind her reception desk. CW2 did not know what was contained in this police equipment and never looked or inspected it. CW2 believes SO left his gun in a locker. CW2 explained that there were small lockers for clients to use in the changing rooms, for which clients would bring their own locks to secure the lockers. These lockers were not large enough to store SO's full belt. CW2 confirms that SO routinely leave his duty belt behind the reception desk when he attends.

Subject Officer:

Pursuant to the provisions of the PSA, a designated subject officer cannot be compelled to provide his or her notes regarding an incident nor participate in any interview with IIU investigators. In this matter, SO did not respond to IIU investigators to attend for an interview.

Conclusion:

Following the completion of this investigation, the civilian director forwarded the IIU investigative file to Manitoba Prosecution Service (MPS) and requested a review and opinion on whether any Criminal Code charges should be authorized against SO.

Following the review of the IIU investigative file, MPS advised IIU that this matter did not meet the prosecution-charging standard, and based on the circumstances, a reasonable likelihood of conviction did not exist. Accordingly, MPS advised that in light of this conclusion, there was no purpose to lay any criminal code charge.

The IIU investigation is now complete and this file is closed.

Final report prepared by:

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